



**STATE OF WASHINGTON  
DEPARTMENT OF PERSONNEL**

**DIRECTOR'S REVIEW PROGRAM**

*521 Capitol Way South, P.O. Box 40911, Olympia, WA 98504-0911  
(360) 664-0388 · FAX (360) 586-4694*

September 19, 2011

Vanessa Underwood

RE: Vanessa Underwood v. Liquor Control Board (LCB)  
Allocation Review Request ALLO-11-032

Dear Ms. Underwood:

On July 21, 2011, you sent an email to the Department of Personnel (DOP) Information email address requesting a Director's review of LCB's June 16, 2011 allocation determination letter. On July 25, 2011, Director's Review Coordinator Karen Wilcox informed you requests via email were not accepted. Specifically, WAC 357-49-023(3) states "[t]he filing of papers for director's review requests by electronic mail ("e-mail") is not authorized without the express prior approval of the director, and only under such circumstances as the director allows."

The Director's Review Program received your request via fax on July 25, 2011. On July 27, 2011, Ms. Wilcox sent a letter to you and the LCB Human Resources Office addressing the timeliness of the request.

Clarice Nnanabu, LCB Human Resources Director, responded on August 17, 2011, indicating that LCB's June 16, 2011 allocation determination letter had been hand-delivered to you on that same day. In your response dated August 15, 2011, you stated the allocation determination letter had been left on your chair at your workstation on June 22, 2011.

WAC 357-13-080(1) requires employees to request a Director's review within thirty calendar days "of being provided the results of a position review or the notice of reallocation."

WAC 357-04-105(1) provides, in part, the following:

. . . when the civil service rules require an . . . employee . . . to receive notice, the notice must be provided by personal delivery, United States mail, or by telephone facsimile transmission with same-day mailing of copies unless the specific rule requiring notice allows for alternative methods of providing notice such as electronic mail ("e-mail"), state mail service, commercial parcel delivery or campus mail service.

WAC 357-04-105(2) then provides, in part, the following:

. . . service of notice upon parties will be regarded as completed when personal delivery has been accomplished; or upon deposit in the United States mail, properly stamped and addressed; or upon production by telephone facsimile transmission of confirmation of transmission. When a specific rule allows alternative methods of service, service upon parties will be regarded as completed when it is actually received by the party to which notice is being provided.

You received your allocation determination via an alternate method. Ms. Nnanabu indicated that personal delivery of the allocation decision had been accomplished on June 16, 2011, the same date as the letter. You indicated you actually received the allocation on June 22, 2011. However, even when considering June 22, 2011, as the date you became aware of LCB's decision, the deadline for requesting review would have elapsed on July 22, 2011. Since your request (apart from an unauthorized e-mail request) was not received until July 25, 2011, it was untimely. Therefore, the matter is closed.

Either party may appeal the Director's determination on timeliness to the Personnel Resources Board by filing written exceptions to the Director's determination in accordance with Chapter 357-52 WAC.

WAC 357-52-015 states that an appeal must be received in writing at the office of the board within thirty (30) calendar days after service of the Director's determination. The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

Sincerely,

Teresa Parsons, SPHR  
Director's Review Program Supervisor  
Legal Affairs Division

c: Clarice Nnanabu, LCB Human Resources Director

List of Exhibits

1. Email requesting Director's review from Ms. Underwood received by DOP Information on July 22, 2011 with attachments.
2. July 25, 2011 email from Karen Wilcox, Director's Review Coordinator to Vanessa Underwood informing her that requests by email cannot be accepted.
3. Director's Review request form and attachments received July 25, 2011.
4. July 27, 2011 letter from Karen Wilcox, Director's Review Coordinator asking for timeliness clarification from Ms. Underwood and LCB HR.
5. August 17, 2011 letter of response to timeliness issue from Clarice Nnanabu, LCB HR Director, with attachments.
6. August 15, 2011 letter of response to timeliness issue from Vanessa Underwood with attachments.
7. Fax received August 19, 2011 from Vanessa Underwood stating she will be submitting further timeliness response by August 30, 2011.
8. August 30, 2011 letter of response to HR's timeliness response from Vanessa Underwood with attachments.